HIGH COURT OF MADHYA PRADESH
M.Cr.C.No.4831-2018
(Suvaida Kashyap VS. State of M.P.)

Gwalior, Dated : 16.02.2018

Shri D.R.Sharma, learned counsel for the applicant.

Shri Kamal Jain, learned Public Prosecutor for the respondent/State.

Case diary is perused.

Learned counsel for the parties are heard.

This is first bail application under section 439 of Cr.P.C. The applicant has been arrested in connection with Crime No.16/2018 registered at Police Station, Kotwali, District Datia, for the offence punishable under Section 8/18 of the NDPS Act.

Learned counsel for the applicant submits that applicant has falsely been implicated in the case. Only 10 gms of Smack has been alleged to be recovered from her possession which is below commercial quantity of 250 gms. It is true that her son is habitual of taking smack, but she has been falsely roped in the case. It is further submitted that applicant is in custody since 9.1.2018 and trial is likely to take time. In such premises, applicant prayed for bail.

The prayer is opposed by learned Public Prosecutor.

Considering the facts and circumstances of the case, but without expressing any view on the merits of the case, this application is allowed and it is directed that on furnishing a personal bond in the sum of Rs.1,00,000/- (Rupees One Lac Only) with two sureties in the like amount to the satisfaction of **Trial Court/ committal Court concerned,** the applicant shall be released on bail with a direction that she will remain present on each and every date of the trial before the trial Court/committal Court concerned and shall abide by all the terms and conditions enumerated under Section 437(3) of Cr.P.C.

Single non-appearance of the applicant shall cancel her bail automatically by the trial Court concerned, without any further order of this Court.

Certified copy as per rules.

(Vivek Agarwal)
Judge

ms/-

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